

FILED

APR 07 2021

Melissa A. Nelson
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FRANKLIN SANDOVAL NELSON,
Plaintiff,

vs.

JIM CROYMANS, Chief of Police, City of Sisseton, in his official and individual capacities; CITY OF SISSETON, A Municipal corporation in the official and individual capacities; KERRY M. CAMERON, former Roberts County State's Attorney, in his official and individual capacities; TIM ZEMPEL, Roberts County Commissioner, in his official and individual capacities; ROBERTS COUNTY, in the official and individual capacities; TIMOTHY J. CUMMINGS, Officer of the Court, in his official and individual capacities; ROBIN WEINKAUF, a/k/a Anger Skidmore (Prosecutrix) in her official and individual capacities; BRENT FLUKE, Warden, Mike Durfee State Prison, in his official and individual capacities; DARIN YOUNG, Warden, South Dakota State Prison, in his official and individual capacities; and ROBERT W. DOOLEY, former Warden, Mike Durfee State Prison, in his official and individual capacities;

Defendants.

1:21-CV-01007-CBK

ORDER

Plaintiff, a former prisoner, filed a complaint under 42 U.S.C. § 1983 claiming defendants, acting under color of state law, violated his common law and constitutional rights, subjected him to malicious prosecution and unlawful incarceration from 2014 to 2019, were deliberately indifferent, and engaged in gross negligence in connection with

an overturned conviction. He filed an application to proceed without the prepayment of the filing fee. Plaintiff has made the requisite showing under 28 U.S.C. § 1915.

Now, therefore,

IT IS ORDERED:

1. Plaintiff's applications, Docs. 2 and 4, to proceed without the prepayment of the filing fee are granted.

2. The Clerk of Court shall provide plaintiff a separate summons and USM-285 form for each defendant. Plaintiff shall complete and return to the Clerk of Court a separate summons and USM-285 form for each defendant. Upon receipt of the completed summons and USM-285 forms, the Clerk of Court will issue the summonses.

3. The United States Marshals Service shall serve a copy of the summons and complaint upon the individual defendants pursuant to SDCL 15-6-4(d)(8), upon Roberts County and the City of Sisseton and pursuant to SDCL 15-6-4(d)(i) and (ii), respectively, and upon the South Dakota Attorney General. All costs of service shall be advanced by the United States.

4. In the event plaintiff makes a recovery under the complaint, plaintiff shall reimburse the government for any filing and service fees that have been advanced.

5. If the plaintiff fails to submit the USM-285 forms as directed, this matter will be dismissed for failure to prosecute.

DATED this 3rd day of April, 2021.

BY THE COURT:



CHARLES B. KORNMANN
United States District Judge